

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

BOBBY MORRIS, individually and on)
behalf of all others similarly situated,)
)
Plaintiff,)
)
v.)
)
NRRM, LLC,)
)
Defendant.)

Case No. 4:25-cv-00441 -SPM

DEFENDANT’S MOTION TO DISMISS AMENDED COMPLAINT

Defendant NRRM, LLC d/b/a CarShield moves to Dismiss the Amended Complaint (Dkt. No. 5) for failure to state a claim for relief under Fed. R. Civ. P. 12(b)(6) and the Telephone Consumer Protection Act, 47 U.S.C. § 227 (the “TCPA”).

1. Plaintiff’s Complaint alleges violations of the national and internal do-not-call provisions of the TCPA, and its implementing provisions 47 C.F.R. § 64.1200(c)–(d).

2. However, calls made with the prior express invitation or permission of the call recipient, in the form of a signed written agreement, are not actionable under the TCPA. *See* 47 C.F.R. § 64.1200(f)(15) (“‘telephone solicitation’ [...] does not include a call or message: (i) to any person with that person’s prior express invitation or permission [...].”).

3. Plaintiff’s Complaint alleges in conclusory fashion that CarShield violated the TCPA by calling his residential phone number. However, documents which Plaintiff’s Complaint references and necessarily embraces evidence Plaintiff provided his prior, express and written consent to be contacted by CarShield, and the call recordings of the calls Plaintiff references in his

Complaint clearly demonstrate that Plaintiff did not, as he alleged, revoke that consent. In fact, he kept talking to sales agents and even called back multiple times.

4. Pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiff's Complaint thus fails to state a claim upon which relief may be granted.

5. For the reasons more fully set forth in Defendant's Memorandum in Support of its Motion to Dismiss, filed herewith and incorporated by reference herein, this action should be dismissed with prejudice pursuant to Fed. R. Civ. P. 12(b)(6).

WHEREFORE, for all the foregoing reasons, Defendant moves this Court for an Order dismissing the Complaint with prejudice, and granting Defendant such other and further relief as this Court deems just and proper.

Respectfully submitted this 23rd day of June, 2025

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CERTIFICATE OF SERVICE

This document was served via the court's efilings system to all counsel of record on this the 23rd day of June, 2025.

s/ Jeffrey H. Kass
Jeffrey H. Kass